HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
July 1, 2020

CALL TO ORDER
Chair Alivado called the meeting to order at 2:00 p.m. on Wednesday, July 1, 2020, in Conference Room A at the Honolulu Police Department Alapai Headquarters and via YouTube.

PRESENT
Shannon L. Alivado, Chair
Jerry Gibson, Vice-Chair
Carrie K. S. Okinaga, Member
Richard M. Parry, Member
Denise W. Wong, Deputy Corp. Counsel
James K. S. Yuen, Executive Officer
Erin Marie Yamashita, Secretary

ALSO PRESENT
Susan Ballard, Chief of Police
John D. McCarthy, Deputy Chief of Police
Clyde K. Ho, Deputy Chief of Police
Lynne Uyema, Legal Advisor

ASCERTAINMENT OF QUORUM
Counsel Wong ascertained a quorum was present.

Chair Alivado announced that access to the meeting room was restricted due to social distancing requirements under Governor Ige’s emergency order No. 20-15 and Mayor Caldwell’s June 3, 2020 executive order, however accommodations for accepting in person testimony have been made in accordance with instructions on the agenda.

PUBLIC TESTIMONY
There was no requested telephone testimony and no in-person testimony. Per instructions on the agenda in order to accommodate the public but also follow social distancing requirements, in person testifiers will not be allowed into the meeting room until it is their turn to testify. Chair Alivado reminded the public that they may view the meeting live via YouTube or on a video monitor outside the meeting room.
Prior to her providing her report to the Commission, Chief Ballard made the following statement:

I cannot control what the media says, how they say it, or when they say it. Anyone who watched the entire YouTube video from the last Commission meeting or just listened to my many comments knows that HPD continues to change and update our operations as issues arise and is needed.

Two weeks ago, it was 8 Can’t Wait standard, and as I said then, HPD is already doing all that they suggested and more. If you listened, at length, to anything I have been saying I agree that there are jobs police shouldn’t be doing, but who else is going to respond.

Police are called for virtually everything. We are the solution for every issue, every failing, and every concern. Homeless, mental illness, warrants, parking, truancy, smoking, TROs, civil subpoenas, motor-vehicle collisions without injuries, and many more.

All these issues should be addressed by other agencies, whether it be social services, courts schools, or insurance companies but they aren’t, whether because of a lack of resources or they just never have. So the problem remains and falls on HPD to fill the gaps. For example, the homeless were not allowed into shelters during the mandatory quarantine. HPD stepped up and created a solution in the form of our POST program. Just from the beginning of April 2020, ninety-nine homeless have been put into shelters, five have been sent into detox, six were relocated to the mainland, seven were reunited with family, and one was given permanent housing. It’s not HPD’s job to shelter the homeless and get them into programs in the midst of a pandemic, but again, if we didn’t do it, no one else would.

We saw the need, heard our community, and moved to create a solution. We hear Waianae and Nanakuli residents loud and clear. They’re asking for more cops because they know that we are there to serve and protect them in the best and worst situations. As a result, we are working on getting a District 9 created to service communities and answer their needs.

Policing is always evolving to answer the changing needs of the community and we are mindful of the citizens that make up the community we serve. HPD officers are expected to treat everyone with respect, dignity, and aloha and if they don’t then they are held accountable.

We have a very robust, multi-tiered and documented disciplinary system. We are part of our communities both as neighbors and cops. This is what makes HPD and Hawaii special. This is what makes Hawaii different from the mainland. We will continue to listen, be progressive and creative in moving HPD forward. We are never satisfied with mediocrity but will always strive for excellence.

And I’m sure certain media outlets won’t publish this in its entirety because it is not sensational, but it is what HPD does and who we are.
CHIEF OF POLICE REPORT

Chief Ballard shared an article from Honolulu Magazine’s June/July 2020 issue featuring Captain Lambert for his work. There will be another article on the POST program in Friday’s Star Advertiser.

As of today and of the 342 persons released from prison on Oahu, 100 have been arrested, which is a 30 percent recidivism rate for those who have been arrested (not re-arrested) for another crime. Chief Ballard then provided the following statistics:

- Park Closure warnings: 8,900
- Citations issued: 3,500
- Arrests made: 12

Chief Ballard noted that park closure arrests occur only after persons have been given multiple warnings, a citation, and still fail to comply.

- Traffic Stops with warnings: 154
- Citations issued: 1,200
- Arrests made: 225

- Crimes with warnings: 13,260
- Citations issued (based on quarantine violations): 1,639
- Crimes with arrest: 134

There have been no stand-alone arrests for the stay at home order.

Questions from Commissioners

Vice-Chair Gibson asked Chief Ballard what effects Mayor’s new Open Street Downtown/Chinatown initiative will have on the HPD. Chief Ballard informed commissioners the HPD is still working on its staffing plans.

Commissioner Okinaga wanted to know if Chief Ballard thinks the quarantine hasn’t resulted in any more enforcement because arrests are attached to other crimes. Chief Ballard informed commissioners that the quarantine arrests could be stand alone, and provided an example of a hotel calling 911 to report a violation. She also informed commissioners that between HPD and State agencies there have been less than 50 arrests for quarantine violations, and that when responding to calls of reports for quarantine violations officers will use their discretion when handling each situation.

Commissioner Okinaga asked if HPD had statistics on calls for services related to quarantine violations. Chief Ballard responded that statistics are not kept for calls for service and that HPD has statistics on arrests.

Commissioner Okinaga asked Chief Ballard if there was a way to quantify HPD’s responses to calls for service. Chief Ballard said if there is a call for service an officer will be assigned. It is HPD’s position that a warning is provided first before any other action is taken.
Questions from Commissioners (Continued)
Commissioners also discussed the article in the Star Advertiser's June 28, 2020 concerning the HPD. Commissioners agreed with Chief Ballard that the article was poorly authored, were disappointed in the headline, and that Chief Ballard has made significant improvements to the HPD. Chief Ballard appreciated the comments from commissioners and that media requests transparency and when provided with transparency are never satisfied with what they receive.

APPROVAL OF MINUTES
Commissioner Okinaga made a motion to approve the minutes of the June 3, 2020, meeting. Vice-Chair Gibson seconded the motion.

Discussion: None.

Vote by a roll-call: Commissioners Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the motion carried.

NEW BUSINESS
Report on Actions Taken at the Executive Session of May 20, 2020
Commissioner Parry reported during the executive session of May 20, 2020, commissioners approved the April 15, 2020 executive session minutes. (No meetings due to COVID-19 on March 18 and April 1, 2020)

Vice-Chair Gibson seconded the motion.

Discussion: None.

Vote by a roll-call: Commissioners Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the motion carried.

UNFINISHED BUSINESS
Discussion of HB285 (2019), Relating to Public Safety
Chair Alivado informed those in attendance that commissioners have been monitoring this bill, related to disclosure of discipline actions of police officers, which was introduced in 2019 and revived this session. It appears as it will be going to full vote as it was moved out of conference committee.

Chair Alivado then asked if Chief Ballard or any commissioners had comments or questions with regard to the bill as written. Chief Ballard informed commissioners that legislators are still working through some of the language of the bill, and HPD will wait for the outcome. There was discussion concerning other City departments/agencies and if there is a requirement to report disciplinary actions and provide names of employees. Chair Alivado noted that HPD is mandated by statute to provide the Legislature with an annual report on discipline. Information on employee discipline for other City departments/agencies is discoverable by a request for information.
Discussion of HB285 (2019), Relating to Public Safety (Continued)
Chief Ballard explained what information is included in the report and questions what the purpose of knowing the name of an officer that was disciplined for a non-criminal offense.

Commissioner Okinaga explained employees have a privacy interest in their personnel records and only HPD is required, by statute, to provide a report every year of all the suspensions and terminations. Chief Ballard is unclear if the law will allow due process to be completed prior to an officer’s name being released or if the officer’s name will have to be provided before due process is completed. She also explained HPD has multi-tiered discipline levels and an early recognition program (which reports complaints against an officer) that is accessible to every commander, and it is unfair for the entire department to be penalized for the actions of a few.

Chair Alivado added that if an officer is arrested, charged, or prosecuted criminally that information becomes public. Chief Ballard informed Chair Alivado she is correct and that if an officer is arrested, his/her name is listed on the booking log, which is public information.

HPD Use of Force Committee Meeting Update
Commissioner Parry reported he continues to attend the weekly HPD Use of Force Committee meeting which is under the leadership of Assistant Chief Nishibun. The committee is comprised of officers from the Professional Standards Office, Training Division, the HPD Legal Advisor, Information Technology Division, Administrative Review Board, and the Police Commission. The committee was welcoming of the Commission’s involvement and is an interesting project/process.

The Commission sought public input and has received four communications in which suggestions included:

- Police should not shoot to kill, they should aim for arms and legs
- Police should ban choke holds, neck restraints, karate chops, and officers should fire a warning shot
- No changes are necessary
- Police should not shoot at fleeing suspects or moving vehicles

Chief Ballard informed commissioners that HPD does ban choke holds (blocking of airway), the vascular neck restraint (blocking blood) is temporarily suspended and under review. Officers shoot to stop and not to kill. Officers aim for the center mass because that is the largest area and during stressful situations arms and legs are difficult to hit because they are small targets. Shooting a person in an arm or leg may not stop a person, and someone could get injured if the officer misses. Warning shots were banned in 1984 or 1985, because it is a reckless endangering issue. Chief Ballard also reported HPD does have a directive pending her review, with regard to shooting at a moving vehicle.
HPD Use of Force Committee Meeting Update (Continued)
Commissioner Parry said there were also a comments on the composition of the Police Commission and that the commissioners should be:

- Elected by the general public
- Made up of former police officers

Commissioner Parry also mentioned the un-redacted Use of Force Policy is available on the HPD’s website, previous changes are indicated, and the policy is marked as under review.

The entire policy is under review and the committee is looking at policies from other police departments of similar size to HPD which include San Francisco, San Diego, Charlotte, and Suffolk County. Statistics from HPD over past years are also being reviewed and the committee is trying to get accurate numbers on use of force issues such as shooting at moving cars and the use of vascular neck restraints.

The goal is to have the policy recommendation completed by the end of July so a meet and confer can take place with SHOPO and the policy sent to Chief Ballard for approval by the end of August for her review. The Commission continues to encourage input from the public which can be sent directly to the HPC office.

Questions from Commissioners
Commissioner Okinaga asked if HPD had access to data from the departments of similar size on use of force. It was mentioned previously that use of force with HPD is relatively low. Chief Ballard indicated that a policy may not increase or decrease the use of force and that there could be other contributing factors. Commissioner Parry added that there is another difficulty across the country on the definitions used for statistics, which can make gathering data difficult.

Chair Alivado asked Commissioner Parry and Chief Ballard if there should be a deadline for public input to the Commission. Commissioner Parry suggested those wanting to submit testimony or suggestions should be done within the next couple of weeks.

EXECUTIVE OFFICER’S REPORT
Executive Officer Yuen reported as of Jun 30, 2020 there are 53 registered complaints this year, 24 were registered in June. There are 26 pending investigations, 13 complaints have been referred to the HPD’s Professional Standards Office, 12 complaints have been closed by the Honolulu Police Commission Public Service report, two complaints were administratively closed and three complaints were withdrawn.

Commissioner Parry asked if there was a reason for the number of complaints filed in June. EO Yuen informed commissioners majority are for citations issued for the stay at home order.
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EXECUTIVE SESSION
At 2:46 p.m., Commissioner Okinaga made a motion to enter into executive session to review
agenda items pursuant to HRS 92-5(a), subsections (2), (4), (5), (6) and (8): to consider the
hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against
the officer or employee, where consideration of matters affecting privacy will be involved; to
consult with its attorneys on questions and issues pertaining to the Board’s powers, duties,
privileges, immunities and liabilities; to investigate proceedings regarding criminal misconduct;
to consider sensitive matters related to public safety or security; to deliberate or make a
decision upon a matter that requires the consideration of information that must be kept
confidential pursuant to state or federal law, or a court order.

Commissioner Parry seconded the motion.

Discussion: None.

Vote by roll-call: Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the
motion carried.

RETURN TO OPEN SESSION
The Commission returned to the open session at 4:10 p.m.

ANNOUNCEMENTS
Chair Alivado announced the next Police Commission meeting will be held on July 15, 2020 in
person at Alapai Station. The HPC will include additional details on meeting access on the next
meeting agenda.

ADJOURNMENT
At 4:11 p.m. Commissioner Parry made a motion to adjourn the meeting. Commissioner
Okinaga seconded the motion.

Discussion: None.

Vote by roll-call: Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the
motion carried.